



14 JUL 2008

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57272  
THE DOW CHEMICAL COMPANY  
9330 Zionsville Road  
Indianapolis, IN 46268

In re Application of :  
FRANK *et al* :  
U.S. Application No.: 10/590,185 :  
PCT No.: PCT/US05/05309 :  
Int. Filing Date: 18 February 2005 :  
Priority Date: 27 February 2004 :  
Attorney Docket No.: 62644A :  
For: METHOD FOR THE EXTRACTION OF :  
INTERCELLULAR PROTEINS FROM A :  
FERMENTATION BROTH :

**DECISION ON  
PETITION  
UNDER 37 CFR 1.497(d)**

This is a decision on the renewed request to add an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) filed 21 December 2007.

**BACKGROUND**

On 06 September 2007, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 21 December 2007, applicants filed the renewed petition along with, *inter alia*, a two-month extension of time, a statement by co-inventor, Jeffrey Allen and a Statement Under 37 C.F.R. § 3.73(b) signed by Jarett K. Abramson.

**DISCUSSION**

Applicants request to add Jeffrey R. Allen as an inventor in the above-captioned national stage application. As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants previously completed item (2) of 37 CFR 1.497(d).

In the renewed petition, applicants submitted a statement by Jeffrey R. Allen indicating that the omission of his name occurred without deceptive intention on his part. This statement satisfies item (1) of 37 CFR 1.497(d). Applicants also indicate that Dow Global Technologies, Inc. is the assignee and have submitted a Statement Under 37 C.F.R. § 3.73(b) indicating that Mr. Abramson is authorized to act on behalf of the assignee. Mr. Abramson states in the petition that "the assignee provides its consent to add Jeffrey as an inventor to this application." This is sufficient to meet the requirements of § 324 MPEP and item (3) of 37 CFR 1.497(d).

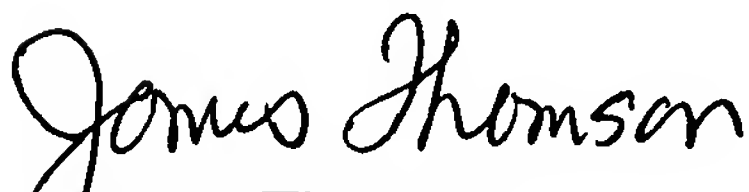
All items of 37 CFR 1.497(d) are now complete.

### **CONCLUSION**

Applicants' request to add Jeffrey R. Allen as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 02 April 2007 is now in compliance with 37 CFR 1.497(a) and (b). Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 18 February 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 02 April 2007.

This application is being forwarded to the DO/EO/US for further processing.



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